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Letter dated 12 August 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I would like to bring to your attention the recent intensification of activities related to the illegal exploitation of Greek Cypriot properties in the Turkish occupied area of the Republic of Cyprus, through, inter alia, the systematic construction of homes, villas and hotels on Greek Cypriot-owned land and/or the sale of Greek Cypriot property to foreigners, and to express our strong concern over the unfavourable repercussions that such actions may have on efforts to find a just and viable solution to the Cyprus problem.

In fact, these actions further complicate the sensitive issue of property rights and have the potential, if not stopped, of creating a new fait accompli in the de facto division of the island, which was imposed upon Cyprus through the use of military force and sustained by the Turkish occupation army since 1974, in flagrant violation of relevant Security Council resolutions. Furthermore, they undermine continuing efforts towards reconciliation and mutual trust between the two communities.

It should be noted that these actions constitute a violation of relevant decisions of the European Court of Human Rights and blatantly demonstrate disrespect towards an independent and internationally recognized judicial body. In fact, the case of the violation of the human rights of Greek Cypriots by Turkey, in general, and of their property rights, in particular, were brought before the European Court of Human Rights, and in the four cases in which the Court issued a ruling (namely, the *Loizidou v. Turkey* judgement (1996, 1998), the *Michaelidou Developments Ltd. and Tymvios v. Turkey* judgement (2003), the *Demades v. Turkey* judgement (2003) and the *Cyprus v. Turkey* judgement (2001)), it found that Turkey was violating the fundamental right to property of the Greek Cypriot legal owners.

The aforementioned judgements of the European Court of Human Rights clearly established that the administrative practice carried out by the local administration in the occupied area of Cyprus, which is subordinate to Turkey, of issuing "title deeds" to new occupants of properties belonging to Greek Cypriots is based on the so-called "legislative" and "constitutional" provisions of the said

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administration, which in no case whatsoever can be attributed any legal validity. The European Court of Human Rights concluded that Greek Cypriot owners could not be deemed to have lost their property and that they had always remained and would continue to remain the only true and lawful owners of their properties in the occupied area of Cyprus.

Taking into account the true legal position in the matter of Greek Cypriot property rights, as upheld by the European Court of Human Rights, in conjunction with the belated compliance of Turkey with the judgement of the Court in the *Loizidou v. Turkey* case, which implies the acceptance of the ruling of the court, namely, that Mrs. Loizidou and all other dispossessed owners, for that matter, were still "... the legal owner(s) of the land" and that Turkey "actually exercises detailed control over the policies and actions of the authorities of the 'TRNC' [Turkish Republic of Northern Cyprus] ... [and] that her army exercises effective overall control over that part of the island", once can rightfully question the meaning and the final political aims and objectives, as well as the political repercussions, of the current increase in the illegal exploitation of Greek Cypriot properties in the Turkish-occupied area of Cyprus.

It should also be noted that even the frequently presented excuse, or pretext, that these actions and transactions are of a private nature and allegedly fall outside the scope of international obligations, as defined by international law and jurisprudence, is easily rebuffed, as the responsibility and obligations of Turkey in the matter of Greek Cypriot property rights in the occupied area of Cyprus were clearly reaffirmed by the relevant rulings of the European Court of Human Rights.

Moreover, it should be pointed out — especially since the current phenomenon of escalating exploitation of Greek Cypriot-owned properties in the occupied area of Cyprus is related, inter alia, to the selling of properties to citizens of third countries — that the only authority in Cyprus to execute any act in the field of property rights transfer is the Government of the Republic of Cyprus. Therefore, entering into a "deal" for the purchase of immovable property belonging to Greek Cypriots situated in the area of Cyprus under Turkish military occupation constitutes an illegal act which could expose the "buyer" to grave legal and financial consequences. In fact, such "buyers" who essentially "purchase" property which does not belong to the "seller" run the risk of being sued at any time by the Greek Cypriot rightful owners, either before the courts of the Republic of Cyprus or before competent national courts abroad for trespass or conspiracy to commit trespass.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(*Signed*) Andreas **Hadjichrysanthou**
Chargé d'affaires a.i.